HIGH COURT OF UTTARANCHAL AT NAINITAL

(Chapter VIII Rule 32 (2)(b)

Description of the Case.

Writ Petition No. 636 (S/S) of 2004

Date of Decision : 8th November, 2006

~~A.F R. (Approved for reporting)~~

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Not approved for reporting.

Date : 08.11.2006 Initial of Judge

Note : Bench Reader will attach this at the top of first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL, AT NAINITAL

Writ Petition No. 636 (S/S) of 2004

Inder Singh and two others …Petitioners

Versus

State of Uttaranchal and 4 others … Respondents

Sri Manoj Tiwari, learned counsel for the petitioner.
Sri N.P. Shah, learned standing counsel for the respondents/State

Per Hon'ble J.C.S. Rawat, J.

1. By means of this Writ Petition, moved under Article 226 of the Constitution of India, the petitioners have sought the following reliefs:-

> "i) To issue a writ order or direction in the nature of mandamus commanding the Respondents to consider the claim of the Petitioners for regularization of their services in view of their long outstanding services rendered as seasonal employee in the Department.
>
> ii) To issue a writ order or direction in the nature of mandamus commanding the Respondents to regularize the services of the Petitioners against the post of Nikasi Moharrir / Culture Jamadar or any other suitable equivalent post.
>
> iii) To issue a writ order or direction in the nature of mandamus commanding the respondents to grant all consequential benefits including seniority to the petitioners.
>
> iv) To issue any other writ order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
>
> v) To award the cost of the writ petition in favour of the petitioners."

2. The petitioner Nos. 1-Inder Singh and 2-Godhan Singh were appointed as Seasonal Nikasi Mohrrir and the petitioner No.3-Kishori Lal was appointed as Seasonal Culture Jamadar. The petitioners were appointed against the seasonal vacancies for a period of 8 months between November to June each year. The Government created a number of permanent posts in different categories and also seasonal

posts of Moharrir, Jamadar and Forest Guard. The petitioners are claiming the regularization on the said post. Hence, this petition has been filed.

3. Counter affidavit has been filed by the respondents stating therein that the petitioners would be considered for requlariza tion when their turn would come as per the availability of the posts and according to the seniority / eligibility of the petitioners according to the Uttaranchal Forest Department Regularization (On Group 'D' Posts) of Daily Wages Appointments Rules, 2003.

4. Heard learned counsel for the parties and perused the record.

5. In View of the above averment made in the counter affidavit, the respondents are considering the case of the petitioners, as such, the grievance of the petitioners are redressed to some extent at point and there is no any other immediate cause of action to the petitioners. If the respondents would not consider the petitioners for the same if rules permits, the petitioners may prefer their claim before this Court.

6. In view of the above, the writ petition is disposed of accordingly.

7. All applications pending in this case are stand disposed of in terms of the judgment.

8th November, 2006 **(J.C.S.Rawat, J.)**

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